United Nations S/PV.3944

Security Council

Fifty-third Year

Provisional

3944th Meeting

Tuesday, 17 November 1998, 12.05 p.m.

New York

President:	Mr. Burleigh	(United States of America)
Members:	Bahrain	Mr. Al-Dosari
	Brazil	Mr. Amorim
	China	Mr. Shen Guofang
	Costa Rica	Mr. Sáenz Biolley
	France	Mr. Teixeira da Silva
	Gabon	Mr. Essonghe
	Gambia	Mr. Jagne
	Japan	Mr. Takasu
	Kenya	Mr. Mahugu
	Portugal	Mr. Monteiro
	Russian Federation	Mr. Lavrov
	Slovenia	Mr. Türk
	Sweden	Mr. Dahlgren
	United Kingdom of Great Britain and Northern Ireland	Sir Jeremy Greenstock

Agenda

International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia

Letter dated 8 September 1998 from the President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 addressed to the President of the Security Council (S/1998/839)

Letter dated 22 October 1998 from the President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 addressed to the President of the Security Council (S/1998/990)

Letter dated 6 November 1998 from the President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 addressed to the President of the Security Council (S/1998/1040)

98-86442 (E)

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The meeting was called to order at 12.05 p.m.

Adoption of the agenda

The agenda was adopted.

International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia

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The President: I should like to inform the Council that I have received letters from the representatives of Germany and Italy in which they request to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Reichel (Germany) and Mr. Fulci (Italy) took the seats reserved for them at the side of the Council Chamber.

The President: The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them letters dated 8 September, 22 October and 6 November 1998 from the President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 addressed to the President of the Security Council, documents S/1998/839, S/1998/990 and S/1998/1040, respectively. Members of the Council also have before them document S/1998/1082, which contains the text of a draft resolution submitted by France, Germany, Italy, Japan, Portugal, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Slovenia has joined as a sponsor of the draft resolution contained in document S/1998/1082.

It is my understanding that the Council is ready to vote on the draft resolution before it. Unless I hear any objection, I shall put the draft resolution to the vote now.

There being no objection, it is so decided.

I shall first give the floor to those members of the Council who wish to make statements before the voting.

Mr. Shen Guofang (China) (*interpretation from Chinese*): In principle, the Chinese delegation supports the work of the International Criminal Tribunal for the Former Yugoslavia. At the same time, our reservation, expressed at the time the Council adopted resolution 827 (1993), remains unchanged.

The Council established the Tribunal on the Former Yugoslavia in 1993 on an ad hoc basis, with a specific target. This has been the common understanding of the members of the Council. The Tribunal is not a permanent court of law, nor is it an organ that can intervene at any time in the internal affairs of any country in the Balkan region that fall purely within that country's domestic jurisdiction.

The problems in the Kosovo region of the Federal Republic of Yugoslavia by their very nature originated in terrorist and separatist activities. China condemns the terrorist forces in this region for the crimes against humanity and in violation of human rights. Double standards should not be used in the fight against

terrorism. We note that the Government of the Federal Republic of Yugoslavia is now investigating and handling these matters through its internal judicial procedures. China supports the measures taken by that Government in this regard. The handling of these matters falls entirely within the internal jurisdiction of the Government of the Federal Republic. On this question, the principle of respect for the sovereignty and territorial integrity of the Federal Republic, reaffirmed time and again by the Council, should be strictly observed.

The Council's basic purpose in establishing this Tribunal was to restore lasting peace and stability in the former Yugoslav region in close cooperation with the parties to the conflict there. Mutual respect and cooperation are an important guarantee for the Tribunal to be able to carry out smoothly its functions and duties. The problems that crop up in the course of its work should be resolved through consultations among all parties concerned. The Tribunal should seriously consider the questions and concerns raised by the parties. It should not become a political tool to exert pressures on any party.

In the light of those considerations, the Chinese delegation is unable to support the invoking of Chapter VII of the Charter as a means of putting pressure on the Federal Republic of Yugoslavia, as well as some other provisions in the draft resolution. We proposed our amendments to the sponsors, and we thank them for accepting some of them. Nonetheless, we regret that some of our other important views were not incorporated into the text. Therefore, the Chinese delegation will abstain in the vote on the draft resolution.

The President: I now put to the vote the draft resolution contained in document S/1998/1082.

A vote was taken by show of hands.

In favour:

Bahrain, Brazil, Costa Rica, France, Gabon, Gambia, Japan, Kenya, Portugal, Russian Federation, Slovenia, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America

Against:

None

Abstaining:

China

The President: The result of the voting is as follows: 14 votes in favour, none against and 1 abstaining. The draft resolution has been adopted as resolution 1207 (1998).

The Security Council has thus concluded the present stage of its consideration of the item on the agenda.

The Security Council will remain seized of the matter.

The meeting rose at 12.10 p.m.